IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INCOME TAX APPEAL NO.406 OF 2004

The Commissioner of Income Tax. .. Appellant
v/s.
The Gadhinglaj Taluka Sahakari
Karkhana Ltd. .. .. Respondent

Mr.A.S.Rao for appellant.
Mr.Pramod Vaidya for respondent.

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 13th December 2005

P.C. :

1. Heard MrRao in support of this Appeal. Mr.Vaidya appears for the respondent.

2. The 1st respondent is a sugar factory and the present Appeal is filed against the order dated 2nd September 2003 passed by the Income Tax Appellate Tribunal for the assessment year 1992-93. Various deductions have been permitted and question is sought to be raised as to whether those deductions on the various counts should be permitted or not. As far as the legal position on this aspect is concerned, it has been laid down by the Apex Court in CIT vs. Shri Chatrapati Sahakari Sakhar Karkhana Ltd. reported in 279 ITR page 1. The judgment permits certain deductions while disallowing some others.

3. This being the position, in our view, it will be desirable that the Tribunal looks into the matter once again in the light of the law laid down by the Apex Court as above. For this reason, we set aside the order which is impugned in this Appeal, direct the Tribunal to restore the Appeal concerning the assessment year 1992-93 and to decide the same in light of the aforesaid judgment i.e. 270 ITR page 1.

4. Appeal is allowed in the aforesaid terms.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)